

PATENT

REMARKS

Claims 1-20 are pending in the present application. No claims have been amended, added or cancelled. Accordingly, claims 1-20 are still pending in the application.

The Examiner rejected claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over McKivergan (US 6,329,953) in view of Wallace (US 6,208,953).

Applicant respectfully submits that a *prima facie* case has of obviousness has not been established and that the rejection is improper. An invention is unpatentable if the differences between it and the prior art would have been obvious at the time of the invention. As stated in MPEP § 2143, there are three requirements to establish a *prima facie* case of obviousness.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant respectfully submits that at least the first and third requirements have not been met. With respect to the third requirement mentioned above, applicants respectfully submit that neither McKivergan, nor Wallace, nor a combination of the two, teaches, or suggests every limitation of claim 1. Claim 1 recites "an antenna arrangement positioned on an inner wall of the testing chamber . . . to transmit shaped beams of signals". McKivergan discusses an antenna testing chamber where the device under test is moved and orientated to change the relative antenna patterns. McKivergan does not teach or suggest using an antenna arrangement on an inner wall of a chamber to transmit shaped beams of signals. Wallace discloses an environmental simulator to test wireless devices that includes an antenna array and signal manipulator where signals are transmitted to simulate multipath communication channels. Wallace does not teach or suggest an antenna arrangement positioned on an inner wall of a testing chamber that transmits a shaped beam of signals. Accordingly, applicant respectfully submits that the cited references, either individually, or in combination, do not teach or suggest every element of claim 1 and that claim 1 is allowable.

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With respect to the first requirement for obviousness recited above, applicants respectfully submit that there is no suggestion to combine the references. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)*. Applicants respectfully submit that the cited prior art is only combined in retrospect, in light of the present invention. That is, the obviousness rejection is based upon characterization of McKivergan and Wallace in view of the applicant's own invention description. Applicant respectfully submits that the Examiner has combined the references by observing that McKivergan does not teach or suggest an antenna array and that Wallace includes a simulation system that utilizes an antenna array. There is no suggestion in either reference to combine the references.

Accordingly, applicant respectfully submits that claim 1 is allowable and that claims 9 is allowable for reasons similar to those discussed above with reference to claim 1. Regarding claims 2-8 and 10-20, these claims depend from either claim 1 or from claim 9 which applicant submits are allowable. Accordingly, claims 2-8 and 10-20 are at least allowable as depending from an allowable base claim.

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REQUEST FOR ALLOWANCE

In view of the foregoing, applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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